

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) Case No. 21-21293-CMB
James Richard Kocis and)
Susan Lee Kocis,) Chapter 13
Debtors,)
James Richard Kocis and) Hearing Date: 12/15/21 @ 1:30 p.m.
Susan Lee Kocis,)
Movants,) Response Due: 11/15/21
vs.)
PNC Bank N.A.,)
Respondent.) Document No.

**MOTION FOR SANCTIONS FOR VIOLATIONS OF THE
AUTOMATIC STAY AND LOCAL RULE 9020-3**

AND NOW, come the Debtors, James Richard Kocis and Susan Lee Kocis, by and through their attorneys, Calaiaro Valencik and Mark B. Peduto, and present the following:

1. The Debtors filed a bankruptcy under Chapter 13 of the United States Bankruptcy Code on May 28, 2021, at Case No. 21-21293-CMB in an attempt to reorganize their debts.
2. The Debtors filed a Motion for Loss Mitigation on August 25, 2021. (Doc. #41)
3. A Loss Mitigation Order was entered on September 15, 2021. (Doc. #45)
4. The Debtors submitted their Core LMP Package to the Default Mitigation Management Portal on September 15, 2021.
5. The Debtors' first mortgage is held by the Respondent, PNC Bank, N.A. ("PNC").
6. Despite PNC filing proof of claims and acknowledging the uploaded Core LMP Package, PNC has continued to call and write Debtors directly in violation of the automatic stay and the Local Rules of this Court.
7. Debtors' counsel has repeatedly reminded PNC on the Default Mitigation

Management Portal that ALL communication is to be through the Portal. A copy of the Portal History is attached hereto and marked as **Exhibit "A"**.

8. Debtors' counsel has attempted to resolve this matter amicably without Court intervention.

9. Further, PNC continues to file monthly Notices of Mortgage Payment Change in the amount of \$80.00 when Debtors' mortgage has matured and must be paid in full unless, and until, PNC modifies Debtors' mortgage.

10. The Debtors and their counsel do not believe PNC is acting in good faith as required by the Local Rules of this Court.

11. The Debtors request the Court sanction PNC for its repeated violations of the automatic stay and Local Rules of this Court.

WHEREFORE, the Debtors request that the Court sanction Respondent, PNC Bank, N.A., for multiple violations of the automatic stay and Local Rule 9020-3.

Respectfully submitted,

DATED: October 28, 2021

BY: /s/ Mark B. Peduto
Mark B. Peduto, Esquire
PA I.D. #62923
mpeduto@c-vlaw.com
CALAIARO VALENCIK
938 Penn Avenue, Suite 501
Pittsburgh, PA 15222-3708
(412) 232-0930